

REMARKS/ARGUMENTS

I. INTRODUCTION

This Amendment is filed pursuant to 37 C.F.R. § 1.114 to reopen prosecution on the merit following the Board of Appeals and Interferences ("Board") hearing Applicant's appeal on August 13, 2009 regarding the rejections advanced by the Examiner against pending claims 20-28 of the present application and the Decision on Appeal issued August 31, 2009. The rejections on appeal were the following:

A. Claims 20-26 and 28/20 more rejected under 35 U.S.C. §102(b) for anticipation based on Van Arsdel;

B. Claims 20-26 and 28/20 were rejected under 35 U.S.C. §102(b) for anticipation based on Anson; and

C. Claims 20, 27, and 28/27 were rejected under 35 U.S.C. §102(b) for anticipation based on Laubach.

In the Decision on Appeal dated August 31, 2009, the Board reversed the rejections based on Van Arsdale and Laubach and affirmed the rejection based on Anson. During the Applicant's argument, the Board raised that the "second section" of the Applicant's invention was a "resting support" and the Anson attachment was not resting support but this fact had not been raised during prosecution. (See Oral Hearing Transcript at pp. 14-16.) This was understood by Applicant as a distinguishing feature between the claims of the present application on appeal and Anson.

Applicant will demonstrate herein that the claims, as amended, are patentable over Anson.

II. CLAIMS 20-26 AND 28/20 ARE NOT ANTICIPATED BY ANSON

The Examiner has rejected claims 20-26 and 28/20 under 35 U.S.C. §102(b) for allegedly being anticipated by Anson. The description of the Anson attachment on which the Examiner relies in rejecting the pending claims for anticipation is the following:

I [Anson] have found that in the driving of an automobile and particular when driving for extended periods of time over long distances, the normal manner of holding and manipulating the steering wheel, wherein both driver's hands grasp the wheel and positions which require the driver's arms remain in a raised and more or less unnatural

and uncomfortable position, considerable strain develops in the driver's hands, arms, shoulders and back particularly, and results in excess of fatigue...

To obviate these disadvantages, I have devised an attachment for steering wheel, which permits a driver to assume a completely comfortable and relaxed driving position, while at the same time, affords a means permitting the driver to at all times retain positive operating control of the steering wheel. [Emphasis added]

Anson, Page 1, Left Column, Lines 6-25.

The steering wheel attachment of Anson is described as follows:

The attachment comprises a hand grip portion 11, which is preferably of bulbular form.... Grip portion 11 normally extends downwardly from the wheel rim and is of suitable length to adapt same to extend to the region of the driver's lap so that it may be grasped by the driver's hand when his hand is resting in a normal comfortable position in his lap. Grip portion 11 is reduced in cross-sectional area at one end to form a neck 12. Neck 12...will have sufficient pliability...to be deflected from its normal pendant position without adversely affecting the measure of control of the steering wheel movements afforded by the positive operating movement of the attachment, while at the same time, neck 12 will retain sufficient rigidity to permit operating movements of hand grip 11 to be positively communicated to the steering wheel rim for effective control of its movements. [Emphasis added]

Anson, Page 1, Right Column, Line 49 – Page 2, Left Column, Line 18.

Of the claims of the present application, claim 20 is an independent claim and claims 21-26 and 28/20 depend from claim 20. Claim 20, as amended, recites the following:

20. (Currently Amended) A fatigue relieving/preventing apparatus associated with a steering wheel for controlling a vehicle comprising:

a first section that connects to a peripheral portion of the steering wheel;
and

a second section that connects to, and extends from, the first section at the peripheral portion of the steering wheel, the second section extends from the first section outward at an angle to a plane across a face to the steering wheel, the second section for providing resting support for at least a portion of a vehicular operator's body when pressure from the portion of the vehicular operator's body on the second section is less than the pressure for deforming the second section out of interference with the vehicular operator's ability to operate the steering wheel, and deforming out of interference with the vehicular operator's ability to operate the steering wheel when pressure from the portion of the vehicular operator's body on the second section is equal to or greater than the pressure for deforming the second section out of interference with the vehicular operator's ability to operate the steering wheel. [Emphasis added.]

As shown above with regard to the invention of claim 20, the "second section" provides resting support for the vehicle operator's arm(s), wrist(s), etc. The second section providing "resting support" is supported in the present application and does not add new matter. For

example, in Published Application No. US 2004/0129108 “resting support” is supported at least at Figure 3, and paragraphs [0013], [0026], and [0029].

The grip portion 11 of the Anson attachment described in the quotation above from Anson is what the Examiner has equated to the “second section” of the claims of the present application. However, as is plainly seen, the bulbular-formed grip portion 11 does not provide “resting support” for the driver’s body; that is provided by the driver’s lap. Noting this, Anson does not support a *prima facie* basis for rejecting claim 20 and this rejection should be withdrawn.

Claims 21-26 and 28/20 depend from claim 20. As such, each of these claims add features to claim 20. Therefore, since claim 14 is not anticipated by Anson, then claims 21-26 and 28/20 are not anticipated by Anson for at least the same reasons. As such, Applicant has traversed the Examiner’s anticipated rejection as applied to claims 20-26 and 28/20. Applicant requests that this rejection be withdrawn.

III. CLAIM 27 AND 28/27 IS ALLOWABLE

The Examiner’s only basis for rejecting claim 27 was based on Laubach. In the Decision on Appeal, the Board reversed the anticipation rejection based on Laubach. Herein, Applicant has rewritten claim 27 in independent form. As such, claim 27 as rewritten is allowable.

Claim 28/27 depends for claim 27. Since claim 27 allowable, claim 28/29 that depends from it is allowable for the same reason.

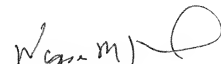
IV. CONCLUSION

Claims 20-27 and 28/20 are pending in the present application. The Examiner’s only basis for rejecting claims 20-26 and 28/20 is under 35 U.S.C. §102 for allegedly being anticipated by Anson. In the foregoing, Applicant has traversed the Examiner’s basis for rejecting amended claims 20-26 and 28/20 for anticipated by Anson. Accordingly, Applicant requests that the Examiner withdraw the anticipation rejection based on Anson. Further, claim 27 is rewritten in independent form and is allowable since the Board reversed the Examiner’s only basis for rejecting claim 27 based on Laubach. Claims 28/27 which depends from claim 27 is also allowable for the same reason as claim 27.

The present invention is new, nonobvious, and useful. Reconsideration and allowance of the claims are respectfully requested and the application be passed to issue in due course.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 08-0219, under Order No.: 0114089.120US2 from which the undersigned is authorized to draw.

Respectfully submitted,



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